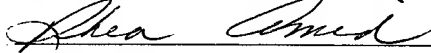


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Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Mingdong ZHOU

Serial No.: National Stage of PCT/AU99/01137

Filing Date: Herewith

For: **CARDIAC MUSCLE FUNCTION AND
MANIPULATION**

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

RECEIVED

04 FEB 2002

Information Division

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Box Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant petitions for revival, as unintentionally abandoned, the U.S. National Phase of PCT/AU99/01137, under 37 CFR §1.137(b). In accordance with Rule 137(b), this petition is accompanied by (1) a proposed response to file the international application under 37 USC §371 in the form of attached documents and fees required for entry of the U.S. national phase; (2) payment of the fee required by 37 CFR §1.17(m); and (3) a statement that the delay in prosecution was unintentional. This petition is filed within one year of the date on which the application became abandoned.

12/11/2001 SNAJARRO 00000144 031952 09980672

05 FC:241 640.00 CH

Abandoned: 21 June 2001

Failure to timely enter the U.S. national phase resulted from an oversight by the Applicant (Mingdong Zhou)¹ prior to the 30 month deadline date of 21 May 2001. The invention disclosed and claimed in the PCT/AU99/01137 was invented by the Applicant while the Applicant was employed at the Victor Chang Cardiac Research Institute. The Applicant left the Victor Chang Cardiac Research Institute on August 31, 2000. Thereafter, the Applicant negotiated with the Victor Chang Cardiac Research Institute to purchase the PCT application but an agreement was not reached until October 10, 2001. Prior to the 21 May 2001 date, the Applicant was not aware, nor was the Applicant informed, that the deadline for entering the U.S. national phase was 21 May 2001. In late September, 2001, the Applicant consulted with the undersigned and was advised of the 21 May 2001 deadline. The Applicant then immediately retained the undersigned to start the process of reviving the U.S. national phase application.

In sum, both the failure to timely enter the U.S. national phase and the brief delay in filing a petition to revive the application were unintentional.

Should any further information be required to fully consider this petition, a call to the undersigned at the telephone number listed below is cordially invited.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment, to **Deposit Account No. 03-1952.** A duplicate copy of this petition is enclosed for that purpose.

- ☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for

¹ For U.S. national stage purpose, the sole inventor, Mingdong Zhou, should be considered as the applicant.

any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 524012000200. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: October 23, 2001

By: 

Peng Chen

Registration No. 43,543

Morrison & Foerster LLP

3811 Valley Centre Drive, # 500

San Diego, CA 92130-2332

Telephone: (858) 720-5117

Facsimile: (858) 720-5125